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DATE: December 21, 2005

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	NAME	FAX	PHONE
TO:	M/S: RCE Commissioner for Patents	571-273-8300	

FROM:	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
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PAGES: (INCLUDING THIS COVER PAGE): 19

RE: RCE, Response to Office Action, and Declaration
US Application S/N: 10/726,336

MESSAGE:

PLEASE DELIVER TO EXAMINER Gordon J. Stock, Jr.

I hereby certify that an amendment and response to Office Action (11 pages); Declaration of David Zahniser under 37 CFR § 1.132 (5 pages); RCE with Authorization to charge fees (1 page); and transmittal with extension of time and certificate of facsimile transmission (2 pages) are being submitted to the United States Patent and Trademark Office on the date above. Please confirm receipt via facsimile. Thank you.


Maritza Kidd

For transmission problems, please call (650) 849-4825

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

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Docket 2024738-7030163001
CYM-032CON (11.015012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David J. Zahniser, et al

Serial No.: 10/726,336

Filed: December 1, 2003

For: CYTOLOGICAL IMAGING SYSTEM
AND METHOD

Group Art Unit: 2877

Confirmation No.: 5486

Examiner: Gordon J. Stock, Jr.

TRANSMITTAL

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Documents enclosed:

Transmitted herewith is a response to Final Office Action mailed 08/29/2005, for the above-identified application. Enclosed are the following:

- ☒ Amendment and response to Office Action (11 pages);
- ☒ Declaration of David Zahniser under 37 CFR § 1.132 (5 pages);
- ☒ RCE with Authorization to charge fees (1 page);
- ☒ Transmittal with certificate of facsimile transmission (2 pages);

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number at: (571) 273-8300 addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 21, 2005

Date of facsimile transmission

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Docket 2024738-7030163001
CYM-032CON (11.015012)**2. Request for EXTENSION of Time:**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$225.00	\$450.00
<input type="checkbox"/> three months	\$510.00	\$1,020.00
<input type="checkbox"/> four months	\$795.00	\$1,590.00
<input type="checkbox"/> five months	\$1,080.00	\$2,160.00
Fee		\$120.00

- ☒ If any extension fee is required, please consider this a petition therefore.

3. Method of Payment of fee:

- ☐ Check in the amount of \$_____ is enclosed to cover the above fee(s).
- ☐ Charge Bingham McCutchen's Deposit Account No. 50-2518 in the amount of _____.
- ☒ The Commissioner is authorized to charge any fees required by the filing of these papers or any extension of time, and to credit any overpayment to Bingham McCutchen's Deposit Account No. 50-2518.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: _____

12/20/05

By: _____

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